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SELECT COMMITTEE ON
PORT INVESTIGATION

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Actions Taken

CALENDAR

MEETING OF
SELECT COMMITTEE ON PORT INVESTIGATION

Board of Supervisors
City and County of San Francisco

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Friday, November 22, 1974 — Room 228, City Hall - Convene: 9:00 a.m.; Recess: 12:20 p.m.; Reconvene: 1:45 p.m.; Recessed : 4:20 p.

Present: Supervisors Barbagelata, Feinstein, Gonzales, Kopp, Mendelsohn, Molinari, Nelder

1. Inquiry into the fiscal situation of the Port of San Francisco for the purpose of formulating legislation found to be necessary. File 491-74.

   11-12-74: Referred by Board to Select Committee on Port Investigation.

   ACTION: Consideration continued to recessed meeting of December 6, 1974, at 9:30 a.m., in Room 228, City Hall.

   (See addendum for further details.)

2. Resolution requesting Director of Finance of the State of California to withhold approval of proposal for Pier 45 of the Port of San Francisco until the Board of Supervisors and its committees have concluded hearings on the Port of San Francisco.

   11-18-74: Referred by Board to Select Committee on Port Investigation.

   ACTION: Consideration continued to recessed meeting of December 6, 1974, at 9:30 a.m., in Room 228, City Hall.

ADDENDUM

(a) On motion duly made, seconded, and passed by a majority of the Committee, Supoena Duces Tecum to be issued for Mr. Spencer Gilman to be and appear before the Select Committee on Port Investigation on December 6, 1974, at 1:30 p.m., in Room 228 of the Board of Supervisors, City Hall, San Francisco, and to bring with him and produce before said Committee the following: All correspondence and other memoranda, or documents from Port files or his personal files as an employee of the Port of San Francisco, which he removed from the Port Office at the termination of his employment.

(b) Communication to be directed to Thomas E. Feeney, Esq., Counsel for Mr. George L. Burger, asking him to provide the Committee with the terms and conditions, including dollar amounts and percentages, of all management agreements, whether written or oral, between Mr. Burger and the Metropolitan Parking Corporation.

The Committee directed that the letter reflect that there would be no objection on the part of Mr. Paul Lamson of Metropolitan Parking Corporation to such disclosure of the terms and conditions of said agreements if prior consent were obtained from the other party thereto.

(c) Chairman of Committee to request in Board, as recommendation of the Select Committee on Port Investigation, that the appropriate committee of the Board conduct hearings to elicit from City departments information concerning their present practices in advertising for and awarding and updating of leases and contracts, with a view to drafting of legislation to establish a uniform set of standards for the City and County of San Francisco.

(d) City Attorney opinion to be requested as to whether conflict of interest provisions of Charter Section 8.105, which became effective in July of 1974, or of any other section, could be applied to set aside long-term leases entered into before the effective date of such Charter section should it be found that because of a close and continued business relationship there is a prohibited interest therein by an officer or employee of the City and County.

~~Respecting the conflict of interest provisions of the Charter, the Committee would like to be apprised whether or not a prohibited interest may be considered to exist by reason of the fact that the daughter of Mr. Harry Thiemann, Property Manager of the Port of San Francisco, is married to the son of Mr. Paul Lamson of Metropolitan Parking Corporation.~~ 12-3-74 mm

(e) Communication to be directed to the Foreman of the Grand Jury advising him that the Committee will cooperate in any way possible to meet requirements of the Grand Jury in its attempts to review in full the transcripts of the Board and its committees' inquiry into the fiscal situation of the Port of San Francisco.

(f) The Committee excused the following witnesses from providing testimony at the November 22 meeting:

Mr. John Williams
Mr. Cyril Magnin
Mr. George L. Burger
Mr. Bernard Orsi

(g) The Committee requested that the following witnesses be invited to testify at its December 6 hearing:

Mr. John Williams, Commercial Property Manager, Port of San Francisco, and Contractor Consultant for the Port.

Mr. Manuel Lozano

Mr. Jim Huntsman, Business Services Officer, Port of San Francisco. (request of Mr. Huntsman will be made for a diligent search through records of the Central Files for yellow copies of correspondence and other records he can locate relating to SWL 314 lease transaction, and that he produce same at meeting of December 6.)

Mr. Cyril Magnin

Mr. George Burger

Mr. Spencer Gilman

Mr. Bernard Orsi

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RECESSED MEETING OF
SELECT COMMITTEE ON PORT INVESTIGATION

Board of Supervisors
City and County of San Francisco

Friday, December 6, 1974 — Room 228, City Hall
Convene: ~~9:30~~ 10:05 a.m.; recessed 12:30 p.m.; reconvened 2:15 p.m.; recessed 6:00 p.m.

Present: Supervisors Barbagelata, Feinstein, ~~Gonzales~~, Kopp, Mendelsohn, Molinari, Nelder

1. Inquiry into the fiscal situation of the Port of San Francisco for the purpose of formulating legislation found to be necessary. File 491-74.

   11-22-74: Continued to recessed meeting of December 6.

   ACTION: Continued to recessed meeting of December 20, 1974, at 9:30 a.m., in Room 228, City Hall.

   (See addendum for further detail.)

2. Resolution requesting Director of Finance of the State of California to withhold approval of proposal for Pier 45 of the Port of San Francisco until the Board of Supervisors and its committees have concluded hearings on the Port of San Francisco. File 480-74-2.

   11-22-74: Continued to recessed meeting of December 6.

   ACTION: Continued to recessed meeting of December 20, 1974, at 9:30 a.m., in Room 228, City Hall.

ADDENDUM

(a) On motion duly made, seconded and unanimously carried, communication to be directed to Thomas E. Feeney, Esq., Counsel for Mr. George L. Burger, again asking him to provide the Committee, or to so authorize Mr. Paul Lamson of Metropolitan Parking Corporation to disclose said information, with the terms and conditions, including dollar amounts and percentages, of all management or employee agreements, whether written or oral, between Mr. and Mrs. Burger and Metropolitan Parking Corporation concerning Port property.

In the event of refusal to provide requested information, or lack of affirmative response by Friday, December 13, 1974, Subpoena Duces Tecum to be issued to Mr. George L. Burger and Mr. Paul Lamson of Metropolitan Parking Corporation to be and appear before the Select Committee on December 20, 1974, at 9:30 a.m., and to bring with them and produce before said Committee the following: Books and records containing or reflecting the terms and conditions of the agreement by and between George Burger and Helen F. Burger on the one side and Metropolitan Parking Corporation on the other side, for the operation by Metropolitan Parking Corporation of parking lots leased or licensed to George Burger and Helen F. Burger by the Port of San Francisco.

(b) At the request of Supervisor Mendelsohn, determine from the Port Commission the date on which Mr. Harry J. Thiemann was appointed as rental Manager of the Port of San Francisco.

(c) Budget Analyst to meet with City Attorney to review provisions of the Burton Act and other pertinent law for the purpose of drafting legislation for subsequent introduction by Supervisor John J. Barbagelata, on behalf of Select Committee on Port Investigation, that would memorialize the State Legislature to appropriately amend current statutes to assure the State's acceptance of its share of any revenue deficiences of the Port of San Francisco in accordance with the schedule outlined in the Budget Analyst's memorandum of December 6, 1974.

(d) Budget Analyst to investigate and report on Pier 94 development, with the thought in mind of analyzing whether Board should consider asking the Port to cease construction on the Pier.

(e) Request Port Director to be prepared to present testimony at the December 20 meeting of the Committee relative to the Budget Analyst memorandum of December 6, 1974, and the December 1974 Interim Report on Projected Cash Deficits of the San Francisco Port Commission prepared by the Auditor General of the State of California.

Port Director to be requested to submit recommendations to the Committee on the advisability of continuing improvements to Pier 94 or whether such improvements should be delayed.

(f) At the request of Supervisor Kopp, determine from the Port Commission whether Mr. George Burger's original bid on Seawall Lot 321 of 50% of gross parking income was presented in writing and whether a subsequent bid of 65% of gross parking income, as reflected in Commission minutes of February 11, 1970, was made in writing; if so, Committee requests copies of such written proposals.

(g) The Chairman excused the following witness from providing testimony at the December 6 meeting:

Mr. Bernard Orsi

SELECT COMMITTEE ON PORT INVESTIGATION

MEETING OF 12-6-74

ATTENDANCE

Morning Session

(10:05 a.m. convened)

Present: Supervisor Barbagelata
Supervisor Kopp
Supervisor Mendelsohn
Supervisor Nelder

Supervisor Feinstein excused from a.m. session
Supervisor Gonzales on official leave of absence.

Afternoon Session

(2:15 p.m. reconvened)

Present: Supervisor Barbagelata
Supervisor Mendelsohn
Supervisor Molinari
Supervisor Nelder
Supervisor Feinstein noted present at 3:15 p.m.
Supervisor Kopp noted present at 4:40 p.m.

Supervisor Gonzales on official leave of absence.

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RECESSED MEETING OF
SELECT COMMITTEE ON PORT INVESTIGATION

Board of Supervisors
City and County of San Francisco

Friday, December 20, 1974 Room 228, City Hall - 9:30 a.m.

Present: Supervisors Barbagelata, ~~Gonzalez~~, Kopp, ~~Molinari~~, Nelder
(Absent: Supervisor Kopp)

1. Inquiry into the fiscal situation of the Port of San Francisco for the purpose of formulating legislation found to be necessary. File 491-74.

   12-6-74: Continued to recessed meeting of December 20.

   ACTION: Continued to Call of the Chair.

2. Resolution requesting Director of Finance of the State of California to withhold approval of proposal for Pier 45 of the Port of San Francisco until the Board of Supervisors and its committees have concluded hearings on the Port of San Francisco. File 480-74-2.

   12-6-74: Continued to recessed meeting of December 20.

   ACTION: Continued to Call of the Chair.